

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

29059

FILE: B-214396**DATE:** August 15, 1984**MATTER OF:** John Babbs**DIGEST:**

A private individual who was invited to a fact-finding conference on a discrimination charge under Title VII of the Civil Rights Act of 1964, traveled to the conference which was cancelled on short notice. Due to various factors he did not receive timely notice of the cancellation prior to performing the travel. His claim for travel expenses and compensation for such travel may not be allowed in the absence of a statute or regulation which would authorize payment.

This action is in response to a request for an advance decision as to whether the Equal Employment Opportunity Commission may allow the claim of a private individual, Mr. John Babbs, for travel expenses and compensation in connection with his travel to a fact-finding conference which was cancelled.^{1/} In the absence of any statutory or other authority for the allowance of such expenses, there is no basis to allow payment of either travel expenses or the requested compensation.

In connection with a charge of illegal discrimination under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e to 2000e-17, the Cleveland District Office of the Commission had scheduled a fact-finding conference in Columbus, Ohio, on November 16, 1983. Mr. Babbs, Director of Human Resources, Pep Services, Inc., was asked to attend the conference. In part the purpose of such conferences with the parties is to define the issues and to determine which elements are undisputed and to resolve issues where possible. See 29 C.F.R. § 1601.15(c) (1983).

Mr. Babbs' home and office are in the Dallas-Fort Worth area. The Commission conference was scheduled for a time when Mr. Babbs planned to be in Indianapolis, Indiana, on

^{1/} The request for an advance decision has been presented by Mr. Ronald P. Passero, Director, Budget and Finance Division, Equal Employment Opportunity Commission.

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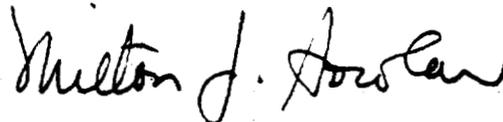
other business and, therefore, closer to Columbus than normal. However, as a result of uncertainty about the allocation of travel funds for the Cleveland District Office, the District Director suspended all travel by that Office's employees for the week beginning November 14, 1983. As a result, the November 16 conference in Columbus involving Mr. Babbs was cancelled.

The District Office called Mr. Babbs on November 15, while he was in Indianapolis, to notify him of the cancellation of the next day's conference. Mr. Babbs states that due to his participation in meetings until late in the day, he did not receive the message to call the District Office until after the end of the workday. Thus, he proceeded to Columbus early the next day whereupon he learned of the cancellation of the conference.

On November 16, 1983, Mr. Babbs submitted a claim to the District Office in the total amount of \$153.51 for the additional expenses and lost work time which he states resulted from his travel to Columbus which proved to be unnecessary. This claim represents \$6.01 for additional airfare, \$27.50 for his hotel room for 1 day, and \$120 for 6 hours of "management time" at the rate of \$20 per hour.

There is nothing in the record which shows that the Commission authorized Mr. Babbs payment of travel expenses or fees incident to his travel to attend the conference; nor has the Commission suggested any basis for payment. Furthermore, we are not aware of any statute or regulation which would afford us a basis to allow payment of Mr. Babbs' claims for travel expenses and compensation under the circumstances involved.

Accordingly, we may not authorize payment of Mr. Babbs' claim.



Acting Comptroller General
of the United States